

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**STEVE M. BISHOP,**

**Plaintiff,**

**CIVIL ACTION NO. 09-CV-12182-DT**

**VS.**

**DISTRICT JUDGE JOHN FEIKENS**

**GOSIGER, INC.,**

**MAGISTRATE JUDGE MONA K. MAJZOUN**

**Defendant.**

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**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION FOR  
RECONSIDERATION**

This matter comes before the Court on Plaintiff's Motion for Reconsideration. (Docket no. 18). Plaintiff seeks reconsideration of this Court's August 13, 2009 Order striking Plaintiff's First Amended Complaint. No response to the motion has been filed. All pretrial matters have been referred to the undersigned for decision. (Docket no. 4). The Court dispenses with oral argument pursuant to E.D. Mich. LR 7.1(e). This motion is now ready for ruling.

Because at the time of Plaintiff's filing of his Amended Complaint no responsive pleading under Fed. R. Civ. P. 15(a) had been served, there was no need for Plaintiff to obtain leave of court prior to the filing of the Amended Complaint. *See Ohio Cas. Ins. Co. v. Farmers Bank*, 178 F.2d 570, 573 (6<sup>th</sup> Cir. 1949) (motion to dismiss does not count as responsive pleading under Rule 15). Accordingly, Plaintiff has met the standard for granting his motion for reconsideration under E.D. Mich. LR 7.1(g)(3). Plaintiff's Amended Complaint will therefore be accepted for filing. Defendant's time for responding to it under Rule 15(a) will run from the date of this Order.

**IT IS THEREFORE ORDERED** that Plaintiff's Motion for Reconsideration (docket no. 18) is **GRANTED**.

**NOTICE TO THE PARTIES**

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: August 28, 2009

s/ Mona K. Majzoub  
MONA K. MAJZOUB  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Opinion and Order was served upon Counsel of Record on this date.

Dated: August 28, 2009

s/ Lisa C. Bartlett  
Courtroom Deputy